

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:20-cr-111

vs.

KYLE RUTHERFORD,

District Judge Michael J. Newman

Defendant.

ORDER: (1) GRANTING DEFENDANT’S MOTION TO WITHDRAW HIS GUILTY PLEA (Doc. No. 61); AND (2) FINDING THAT DEFENDANT IS DEEMED INDICTED UNDER 18 U.S.C. § 3161 ON THE DATE OF THIS ORDER

The Court rejected the parties’ plea agreement at a hearing on December 15, 2022. *See* Fed. R. Crim. P. 11(c)(5). This criminal case is before the Court on Defendant’s “Motion Withdrawing Guilty Plea,” pursuant to Fed. R. Crim. P. 11(d). Doc. No. 61. Under Fed. R. Crim. P. 11(d)(2)(A), Defendant had the right to withdraw his guilty plea after this Court rejected the plea agreement. Therefore, the Court **GRANTS** Defendant’s motion. Doc. No. 61.

Pursuant to 18 U.S.C. § 3161(i), “the day the defendant withdraws his guilty plea becomes the day of indictment for Speedy Trial Act purposes[.]” *United States v. Robertson*, 260 F.3d 500, 503 (6th Cir. 2001). Defendant is, thus, deemed indicted on the date of this order, but this holds no significance because the time from February 6, 2023 through April 7, 2023 has been excluded in computing the time period within which the Government must bring Defendant to trial. *See* Doc. No. 60.

IT IS SO ORDERED.

March 3, 2023

s/ Michael J. Newman
Hon. Michael J. Newman

United States District Judge